

**REAL ESTATE APPRAISERS BOARD
MARCH 1, 2006**

PRESENT: Mark Kowbel, Sharon Fiedler, Roger Roslansky, LaMarr Franklin, and Marla Britton

EXCUSED: Karen Scott

STAFF PRESENT: Tim Wellnitz, Bureau Director, Ruby Jefferson-Moore, Legal Counsel, Gina York, Bureau Assistant, and Division of Enforcement Staff

GUESTS: Debbi Conrad, Wisconsin Realtors Association; Reese Phillips, Wisconsin Realtors Association

CALL TO ORDER

Mark Kowbel, Chair, called the meeting to order at 9:08 a.m. A quorum of five voting members was present.

ADOPTION OF AGENDA

Additions to Agenda:

- Add Under Presentation of Proposed Stipulations – Royden E. Tull, 98 APP 026; Mark R. Tellen, 03 APP 006; Heather Lynch Fowler, 03 APP 006; and Linda M. Lynch, 05 APP 025
- Add Under Deliberation of Proposed Stipulations – Royden E. Tull, 98 APP 026; Mark R. Tellen, 03 APP 006; Heather Lynch Fowler, 03 APP 006; and Linda M. Lynch, 05 APP 025

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to adopt the agenda with additions. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2006

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to keep the same slate of Board officers. Motion carried unanimously.

The Board officers are as follows: Mark Kowbel, Chair, Sharon Fiedler, Vice Chair, and Roger Roslansky, Secretary.

APPOINT BOARD'S REPRESENTATIVES FOR SCREENING PANEL BY BOARD CHAIR

Mark Kowbel, Chair, appointed Karen Scott, Sharon Fiedler, and Mark Kowbel to serve as screening panel members for 2006.

APPROVAL OF MINUTES (OCTOBER 19, 2005)

MOTION: LaMarr Franklin moved, seconded by Sharon Fiedler, to approve the minutes of October 19, 2005 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT TIM WELLNITZ, BUREAU DIRECTOR

Mr. Wellnitz, Director of the Business and Design Professions, reviewed with the Board the Departments policies, the approved 2006 meeting dates, DOE 2003 case deadline, and summary reports, and routed the roster at today's meeting.

Annual Policy Review with Board

Tim Wellnitz, Director of Business and Design, did an annual review of department policies with the Board at today's meeting. They are as follows:

- 1) Agendas and Addendums Policy: This policy was reviewed with the Board and it was clarified with them that agenda items could be submitted up to three weeks before the upcoming scheduled meeting date. After that deadline, an addendum would be required. An addendum is used only to post items that are of an urgent nature and cannot wait until the next meeting. This should be a rare occurrence and not the norm in preparing meeting agendas. Items that do not qualify as an urgent item will be considered for the next meeting agenda and will be part of that meeting's posting.
- 2) The Quorum Confirmation Policy: This policy was reviewed with the Board and it was clarified with them that if we do not hear from board members we would assume they will be attending the meeting. We will not be checking for a quorum each time. Only if we are contacted by two or more individuals indicating they will not be able to attend an upcoming scheduled meeting will we contact Section members to verify a quorum.
- 3) The Hotel Policy: This policy was reviewed with the Board regarding hotel room reservations for all meetings. The hotel policy is as follows:

DEPARTMENT POLICY

1. If the Board Member is not going to use the reserved hotel room, it is the responsibility of the Board Member to cancel the room by calling the hotel themselves. If the room is not cancelled, the Board Member would be responsible to pay the bill.
2. If we cancel a meeting because of lack of quorum or no business, it should be our responsibility to cancel any room reservations.
- 4) Travel Rules and Policies: Annual meetings, intent to travel, In-State and Out-of-State travel were discussed and handouts were provided indicating the allowances for travel and limitations on in-state and out-of-state travel. The Board gets one annual meeting a year in which a designee can attend. Board approval is required to attend such annual meetings and the paperwork for the intent to travel would need to be submitted prior to attending.

2006 Meeting & Screening Dates

The Board received a copy of their 2006 meeting and screening dates for their records and to use as a reference.

2003 DOE Case Deadline

Tim Wellnitz, Director of Business and Design, reported to the Section that Eric Callisto, DOE Division Administrator, has indicated July 14, 2006 as the set deadline for the filing or resolving all 2003 cases.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

The Board reviewed the summary reports with Tim Wellnitz, Director of Business and Design Professions, at today's meeting,

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA

There were four additional stipulations presented in open session at today's meeting.

LEGISLATION AND ADMINISTRATIVE RULES

Status Update on Proposed Rules Relating to the Regulation of Real Estate Appraisers (Chapter RL 80-87, Code)

Tim Wellnitz, Director of Business and Design Professions, informed the Board that these rules have been reviewed by the Small Business Review Advisory Committee which had some additional questions and suggestions. Once their information is received, the rules will move forward in the rule making process. The proposed rules relating to the regulation of real estate appraisers (Chapter RL 80-87, Code) will continue to be monitored and Attorney Jefferson-Moore stated that a public hearing on these rules could be held at the next Board meeting.

Status Update on 2006 USPAP

Attorney Jefferson-Moore provided an update to the Board regarding the status on 2006 USPAP at today's meeting.

APPRAISAL SUBCOMMITTEE

Update on Appraisal Examination Validity Issue- Barbara Showers

At the last meeting, Barbara Showers, Office of Education and Examinations, addressed the Board regarding correspondence from the ASC relating to appraisal examination validity. The Department has put in a request to see how many applicants will be affected by the examination validity timeframe. At this time, Dr. Showers has not received any additional information.

Dr. Showers shared with the Board that Larry Sager, MATC, who developed the curriculum has retired and he has not been replaced. There are only a couple of MATC's offering the 14 courses which cover various subjects.

APPRAISAL FOUNDATION

Criteria Implementation Seminar "2008 AQB Criteria: A Partnership for Effective Implementation (Part II)"

Barbara Showers, Office of Education and Examinations, will be attending the Criteria implementation Seminar and will provide a report to the Board upon her return.

Reformatted AQB Matrix

Informational.

AQB October 28, 2005 Public Meeting Summary

Noted.

Appraisal Foundation Advisory Council October 27, 2005 Meeting Summary

Noted.

Appraisal Foundation 2005 Fall Meeting of the Board of Trustees

Noted.

**ASSOCIATION OF APPRAISER REGULATORY OFFICIALS (AARO)
CORRESPONDENCE**

AARO Resolution to Fannie Mae

Noted.

Fannie Mae's Revised Appraisal and Property Report Forms-FAQs

Noted.

AARO News December 2005

Noted.

APPRAISAL STANDARDS BOARD

ASB October 28, 2005 Summary of Actions

Noted.

USPAP Q&A October 2005

Informational.

SUPERVISION OF APPRAISERS

Discussion of Recommendations for the Student Appraiser Applicant

Sharon Fiedler reviewed and discussed with the Board the guidelines for supervisors included in the agenda packet. Ms. Fiedler shared that she has spoken with Tom Swan and he shared that

organizations would be willing to offer a mentorship program. A recommendation was made that the Department could provide a link to the organizations on their website so applicants could contact them. The responsibility would be on the organization to monitor and review the individuals work. After a lengthy discussion, some amendments were made to the guidelines and the Board took the following action.

MOTION: Sharon Fiedler moved, seconded by LaMarr Franklin, to recommend that the guidelines for student appraiser applicants as amended, that the expectations for supervisors be sent with application packets for appraisers, new appraisers, and for those upgrading licensure and to provide a separate link on the DRL Website. Motion carried unanimously.

Proposed Continuing Education Course for Supervisors of Student Appraiser Applicants

Marla Britton shared with the Board that she is willing to teach a course for supervisors of student appraiser applicants. The Board considered options of how they could provide such a course at no cost.

PRACTICE ISSUES

Concessions on Comparable Sales

Informational.

Coordination Between DOE and Credentialing Regarding Applicants who are the Subject of Pending Investigations

Noted.

RECIPROCAL AGREEMENT

Discussion and Recommendation Related to Proposed Reciprocal Agreement with Arizona

The Board discussed the proposed reciprocal agreement with the state of Arizona and consulted with Ruby Jefferson-Moore, Legal Counsel regarding potential amendments.

MOTION: Marla Britton moved, seconded by Roger Roslansky, to recommend that the Department enter into a reciprocal agreement with the state of Arizona with the amendments that were discussed.

BOARD MEMBER ACTIVITY

None.

INFORMATIONAL MATTERS

None.

NEW BUSINESS

None.

VISITOR'S COMMENTS

Debbi Conrad, Wisconsin Realtors Association, introduced Reese Phillips and informed the Board that he has been assigned by the association to their Board.

CLOSED SESSION

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. and 440.205 Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Sharon Fiedler-yes, Mark Kowbel-yes, Roger Roslansky-yes, LaMarr Franklin-yes, Marla Britton-yes.

Open Session recessed at 11:36 a.m.

RECONVENE TO OPEN SESSION

MOTION: LaMarr Franklin moved, seconded by Sharon Fiedler, to reconvene into Open Session at 12:34 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORTS OR ANY RECEIVED AFTER MAILING OF AGENDA

RALPH L. BANKE 97 APP 001

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler, to not lift the limitations regarding Ralph L. Banke. Motion carried unanimously.

CHARLES J. SCHLESSELMAN 03 APP 015

MOTION: Roger Roslansky moved, seconded by Marla Britton, to lift the limitations regarding Charles J. Schlesselman. Motion carried unanimously.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED
AFTER MAILING OF AGENDA**

01 APP 020

MOTION: LaMarr Franklin moved, seconded by Marla Britton, to close case 01 APP 020 for P7. Motion carried unanimously.

01 APP 025

MOTION: LaMarr Franklin moved, seconded by Marla Britton, to close case 01 APP 025 for P7. Motion carried unanimously.

03 APP 008

MOTION: Marla Britton moved, seconded by LaMarr Franklin, to close case 03 APP 008 for no violation. Motion carried unanimously.

03 APP 039

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler, to close case 03 APP 039 for insufficient evidence. Motion carried unanimously.

05 APP 015

MOTION: Marla Britton moved, seconded by LaMarr Franklin, to close case 05 APP 015 for P5. Motion carried unanimously.

05 APP 027

MOTION: Sharon Fiedler moved, seconded by Roger Roslansky, to close case 05 APP 027 for no violation. Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS OR ANY SIGNED AFTER
MAILING OF AGENDA**

JAMES L. SCHULTHEIS 99 APP 026

MOTION: Sharon Fiedler moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning James L. Schultheis. Motion carried unanimously.

JULES F. PARMENTIER 04 APP 046

MOTION: LaMarr Franklin moved, seconded by Roger Roslansky, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Jules F. Parmentier. Motion carried unanimously.

MICHAEL F. SMIGIELSKI 04 APP 048

MOTION: LaMarr Franklin moved, seconded by Roger Roslansky, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Michael F. Smigielski. Motion carried unanimously.

WILLIAM H. CULLINANE 04 APP 051

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation, in the matter concerning William H. Cullinane. Motion carried unanimously.

JAMES B. BROWN 04 APP 062

MOTION: LaMarr Franklin moved, seconded by Roger Roslansky, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning James B. Brown. Motion carried unanimously.

PHIL VAN VONDEREN 05 APP 019

MOTION: LaMarr Franklin moved, seconded by Marla Britton, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Phil Van Vonderen. Motion carried unanimously.

CLARKE J. WINKLER 05 APP 021

MOTION: LaMarr Franklin moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Clarke J. Winkler. Motion carried unanimously.

JUNE L. JACKSON 05 APP 031

MOTION: Marla Britton moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning June L. Jackson. Motion carried unanimously.

RALPH H. BAUCH AND VAUGHN H. BAUCH 05 APP 075

MOTION: LaMarr Franklin moved, seconded by Roger Roslansky, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Ralph H. Bauch and Vaughn H. Bauch. Motion carried unanimously.

JEFFREY A. MEWHORTER 05 APP 092

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Jeffrey A. Mewhorter. Motion carried unanimously.

ROYDEN E. TULL 98 APP 026

MOTION: Marla Britton moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Royden E. Tull. Motion carried unanimously.

MARK R. TELLEN 03 APP 006

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Mark R. Tellen. Motion carried unanimously.

HEATHER LYNCH FOWLER 03 APP 006 AND LINDA M. LYNCH 05 APP 025

MOTION: LaMarr Franklin moved, seconded by Marla Britton, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Heather Lynch Fowler and Linda M. Lynch. Motion carried unanimously.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS OR ANY
RECEIVED AFTER PRINTING OF AGENDA**

04 APP 053 S.T.

MOTION: Marla Britton moved, seconded by Sharon Fiedler, to adopt the administrative warning in the matter concerning S.T. 04 APP 053. Motion carried unanimously.

05 APP 024 L.S.

MOTION: Marla Britton moved, seconded by Sharon Fiedler, to adopt the administrative warning in the matter concerning L.S. 05 APP 024. Motion carried unanimously.

05 APP 088 D.E.

MOTION: Roger Roslansky moved, seconded by LaMarr Franklin, to adopt the administrative warning in the matter concerning D.E. 05 APP 088. Motion carried unanimously.

PROPOSED DECISION OR ANY SIGNED AFTER PRINTING OF AGENDA

None.

**DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER
PRINTING OF AGENDA**

None.

PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA

None.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER PRINTING
OF AGENDA**

None.

EXAMINATION ISSUES

None.

CONSULTING WITH LEGAL COUNSEL

None.

ADJOURNMENT

MOTION: LaMarr Franklin moved, seconded by Sharon Fiedler, to adjourn the meeting at 12:58 p.m. Motion carried unanimously.

NEXT MEETING: MAY 10, 2006